

REMARKS/ARGUMENTS

Applicant has herein amended claim 5. Claims 1-14 will still be pending in the application after entry of this amendment. An RCE and the appropriate RCE fee are included herewith. A fee for a one (1) month extension is also included.

Claim 5 has been amended to overcome the rejection under Section 101 by limiting the claim to physical computer media. Claims 6-8 are amended through dependency from claim 5.

Applicant notes that multiple interviews took place between the Examiner and the undersigned attorney subsequent to the Advisory Action and prior to the filing of this RCE. Although no specific agreement was reached regarding the allowability of any claims, Applicant appreciates the Examiner's efforts in assisting the Applicant in overcoming the rejection under Section 101.

The Examiner continues to reject claims 1, 2, 5, 6, 9-11, 13, and 14 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention. The Examiner bases this rejection on the use of the term "object" in these claims, saying that it is unclear what an object is. Applicant submits that the term object is a standard term that is well-known in the computer programming arts, and thus requires no definition, but should be given its ordinary meaning in the art. Object-oriented programming techniques have been known for many years. *See MPEP 2111.01* ("the words of the claims must be given their plain meaning unless applicant has provided a clear definition in the specification"). The full terms that are at issue are "dynamic protocol object" and "static protocol object." As the Examiner has admitted, the terms "dynamic object" and "static object" are discussed in the specification. Additionally, the term "protocol" is well known in the computing arts and is discussed. The specific terms "dynamic protocol object" and "static protocol object" are specifically discussed in the specification in paragraphs [0009], [0010], [0011], [0027], and [0028]. Additionally, the present patent application includes a copy of example source code that implements an embodiment of the invention. The discussion in the specification, the source code, and the establishment of this term as a standard term in the computing arts combine to make the meaning of the term object as used in the claims abundantly clear to those of ordinary skill in the art. Applicant respectfully requests the withdrawal of the rejection under Section 112.

The Examiner continues to reject all claims under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,256,712 to Challenger et al. ("Challenger"). In order for a claim to be anticipated, the cited reference must teach every element of the claim, either expressly or inherently. MPEP 2131. All of Applicant's claims, either directly, or through dependency, have recitations that cannot be found in Challenger. As but one example, all of Applicant's claims recite a request and a "response that can be displayed as a combination of a dynamic protocol object and a static protocol object." Challenger, by contrast, does not discuss responding to requests. Rather Challenger discusses combining objects into larger objects as an update mechanism.

Additionally, all of Applicant's claims recite the use of a cache disposed in an operating system kernel. Applicant is also at a loss to find this concept disclosed in Challenger. Challenger does not even mention the kernel, let alone an in-kernel cache. For a proper rejection under Section 102, it is not enough for the Examiner to analogize specific claim recitations with portions of the cited reference in a conclusory fashion. For a proper rejection under Section 102, the Examiner must demonstrate that the **identical invention** is "shown in as **complete detail** as contained in the....claim," and that the elements are "arranged as required by the claim...." M.P.E.P. § 2131. The Examiner has failed to meet this burden.

Applicants believe they have responded to the concerns raised by the Examiner. Reconsideration of this application, as amended, is hereby requested.

Respectfully submitted,

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